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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,518	07/31/2001	Ernest E. Woodward	884.486US1	3616

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EXAMINER
PYZOCHA, MICHAEL J

ART UNIT	PAPER NUMBER
2137	

DATE MAILED: 06/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _18 May 2005_.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-23_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-23_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
         application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-23 are pending.

2.   Amendment filed 05/18/2005 has been received and

considered.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35

U.S.C. 112:

> The specification shall conclude with one or more claims particularly
> pointing out and distinctly claiming the subject matter which the applicant
> regards as his invention.

4.   Claims 2-3 and 10-13 are rejected under 35 U.S.C. 112,

second paragraph, as being indefinite for failing to

particularly point out and distinctly claim the subject matter

which applicant regards as the invention.

5.   Claim 2 recites the limitation "the personal communications

device" in lines 6-7.   There is insufficient antecedent basis

for this limitation in the claim.

6.   Any claims not specifically addressed are rejected by

virtue of their dependencies.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which

forms the basis for all obviousness rejections set forth in this

Office action:

> (a) A patent may not be obtained though the invention is not identically
> disclosed or described as set forth in section 102 of this title, if the
> differences between the subject matter sought to be patented and the prior
> art are such that the subject matter as a whole would have been obvious at
> the time the invention was made to a person having ordinary skill in the
> art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

8.   Claims 1, 4, 6-9, and 15 are rejected under 35

U.S.C. 103(a) as being unpatentable over Wiser et al (US

6385596), further in view of Hardjono (US 6182214) and further

in view of Johnston (US 6373946).

As per claim 1, Wiser et al discloses a method of

controlling content usage in a communication device using a

decryption key, the method comprises: providing the

communication device a first key in response to a request for

content; and verifying credit of a user of the personal

communication device; providing the personal communication

device a key when the credit is confirmed; for use in decrypting

content (see column 4 lines 13-67).

Wiser et al fails to disclose the decryption key being

broken into key-shares one of which is pre-stored on the device.

However Hardjono teaches the use of key-shares and pre-storing one on a device (see column 3 lines 33-42).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to distribute one of Hardjono's key-shares to each of the servers and users of Wiser et al to be delivered to the use upon request and confirmation of credit.

Motivation to do so would have been to set up a threshold cryptography system (see Hardjono column 3 lines 29-42).

The modified Wiser et al and Hardjono system fails to disclose the communications device is wireless.

However, Johnston teaches such wireless devices (see abstract).

At the time of the invention it would have been obvious to a person of ordinary skill in the art for the modified Wiser et al and Hardjono system's communications device to be wireless.

Motivation to do so would have been to communicate using satellite mobile telecommunications (see Johnston abstract).

As per claim 7, the modified Wiser et al, Hardjono, and Johnston system discloses a key-share pre-stored on a SIM combined to create a decryption key (see Johnston column 9 lines 14-21).

As per claim 8, the modified Wiser et al, Hardjono, and
Johnston system discloses the verifying credit of the user and
the providing the second of the key-shares to the personal
communication device are performed by a finance server in
communication with the personal communication device (see Wiser
et al column 4 lines 13-67 and figure 1).

As per claim 9, the modified Wiser et al, Hardjono, and
Johnston system discloses generating the key-shares from the
decryption key using a key-splitting technique (see Hardjono
column 3 lines 29-42).

As per claim 15, the modified Wiser et al, Hardjono, and
Johnston system discloses pre-storing the key-share before a
request is sent (see Hardjono column 3 lines 29-42).

As per claim 4, the modified Downs et al and Hardjono
system discloses receiving the content from a content server in
a security server; encrypting the content in the security server
with the encryption key and providing the encrypted content from
the security server to the personal communication device over a
wireless communication link (see Wiser et al column 4 lines 13-
67).

As per claim 6, the modified Wiser et al, Hardjono, and
Johnston system discloses the providing the first of the key-
shares is performed by a security server in response to either

the receipt of content at the security server or the encryption

of the content by the security server in communication with the

personal communication device (see Wiser et al column 4 lines

13-67).

9.   Claims 2-3, 10-14 and 16-23 are rejected under 35

U.S.C. 103(a) as being unpatentable over the modified Wiser et

al, Hardjono, and Johnston system as applied to claim 1 above,

further in view of Downs et al (US 6226618) and further in view

of Marvit et al (US 6625734).

    As per claim 2, the modified Wiser et al, Hardjono, and

Johnston system fails to disclose monitoring usage of the

content with a security processor of the personal communications

device; and purging a key-share when the usage exceeds one of a

set of measurement parameters stored in the personal

communications device of the set.

    However, Downs et al teaches monitoring usage (see column

11 lines 43-48) and Marvit et al teaches purging a key (see

abstract).

    At the time of the invention it would have been obvious to

a person of ordinary skill in the art to use Downs et al's

monitoring and Marvit et al's key purging in the modified Wiser

et al, Hardjono, and Johnston system.

Motivation to do so would have been permit copying if

acceptable (see Downs et al column 11 lines 43-48) and to

prevent the use of information (see Marvit et al abstract).

As per claim 3, the modified Wiser et al, Hardjono,

Johnston, Downs et al, and Marvit et al system discloses

receiving the request for content from the wireless

communication device, the request identifying the content and

the measurement parameters for the content encrypting the

content where the key-share is pre-stored in the communications

device (see Wiser et al column 4 lines 13-67 as applied above).

As per claim 10, the modified Wiser et al, Hardjono,

Johnston, Downs et al, and Marvit et al system discloses the

content comprises either video content or music content (see

Wiser et al column 4 lines 13-67).

As per claim 11, the modified Wiser et al, Hardjono,

Johnston, Downs et al, and Marvit et al system discloses

generating a set of measuring parameters comprising at least one

of a date-limit, a run-time limit, and an iteration limit, and

wherein the personal communication device monitors usage of the

content with respect to the measurement parameters and purges at

least one of the key-shares when the usage exceeds one of the

measurement parameters of the set (see Downs et al column 9

lines 34-36 and column 10 lines 15-18 and as applied above).

As per claim 12, the modified Wiser et al, Hardjono, Johnston, Downs et al, and Marvit et al system discloses a content server defining the set of measurement parameters based on preferences of a content provider (see Downs et al column 9 lines 15-47).

As per claim 13, the modified Wiser et al, Hardjono, Johnston, Downs et al, and Marvit et al system discloses the date-limit defines an end calendar date for playing the content, the nm-time limit defines a maximum amount of time for playing portions of the content, and the iteration limit defines a maximum number of times for playing the content or portions thereof (see Downs et al column 10 lines 15-18).

As per claim 14, the modified Wiser et al, Hardjono, Johnston, Downs et al, and Marvit et al system discloses the measurement parameters have an authentication code associated therewith, and wherein a security processor of the personal communication device purges at least one of the key-shares when the authentication code fails to authenticate (see Downs et al and Hardjono as applied above where the authentication code is the watermark).

As per claims 16 and 21, the modified Wiser et al, Hardjono, Johnston, Downs et al, and Marvit et al system discloses a security processor portion to combine a plurality of

key-shares and decrypt content for the processing system, the

security processor portion including a monitor for usage of the

content constructed and arranged to purge at least one of the

key-shares when the usage exceeds a measurement parameter; and a

communications processor portion to receive decrypted content

from the security processor portion and providing decrypted

content for playing on the wireless communication device having

a third key-share pre-stored and receiving the first and second

key-shares (see Wiser et al as applied above).

As per claims 17 and 22, the modified Downs et al and

Hardjono system discloses the measurement parameters have an

authentication code associated therewith, and wherein a security

processor of the personal communication device purges at least

one of the key-shares when the authentication code fails to

authenticate (see Downs et al and Hardjono as applied above

where the authentication code is the watermark).

As per claim 18, the modified Wiser et al, Hardjono,

Johnston, Downs et al, and Marvit et al system discloses a key-

share pre-stored on a SIM combined to create a decryption key

(see Johnston column 9 lines 14-21).

As per claim 19, the modified Wiser et al, Hardjono,

Johnston, Downs et al, and Marvit et al system discloses

generating a set of measuring parameters comprising at least one

of a date-limit, a run-time limit, and an iteration limit, and

wherein the personal communication device monitors usage of the

content with respect to the measurement parameters and purges at

least one of the key-shares when the usage exceeds one of the

measurement parameters of the set (see Downs et al column 9

lines 34-36 and column 10 lines 15-18 and as applied to claim

2).

As per claim 20, the modified Wiser et al, Hardjono,

Johnston, Downs et al, and Marvit et al system discloses an

applications processor portion to process applications running

on the personal communication device, and wherein the security

processor portion, communications processor portion and

applications processor portion are part of a processor area and

fabricated on an application specific integrated circuit (ASIC)

(see Downs et al Fig. 10).

As per claim 23, the modified Wiser et al, Hardjono,

Johnston, Downs et al, and Marvit et al system discloses the

verifying credit of the user and the providing the second of the

key-shares to the personal communication device are performed by

a finance server in communication with the personal

communication device (see Wiser et al column 4 lines 13-67).

10.   Claim 5 is rejected under 35 U.S.C. 103(a) as being

unpatentable over the modified Wiser et al, Hardjono, and

Johnston system as applied to claim 4 above, and further in view
of Howard et al (US 20020069365).

As per claim 5, the modified Wiser et al, Hardjono, and
Johnston system fails to disclose the security server and
content server being separate entities.

However, Howard et al teaches a security and content server
being separate (see paragraph 68).

At the time of the invention it would have been obvious to
a person of ordinary skill in the art to have the security and
content servers of the modified Wiser et al, Hardjono, and
Johnston system to be separate as in Howard et al.

Motivation to do so would be to allow them to be owned by
separate people (see Howard et al paragraph 68).

Response to Arguments

11. Applicant's arguments with respect to claims 1-23 have been
considered but are moot in view of the new ground(s) of
rejection.

12. Applicant's arguments filed 05/18/2005 have been fully
considered but they are not persuasive. Regarding Applicant's
argument that Downs fails to teach the use of a separate
authentication code along with measurement parameters, this
limitation is not in the claims and is therefore not considered.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of
rejection presented in this Office action. Accordingly, **THIS
ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is
reminded of the extension of time policy as set forth in 37
CFR 1.136(a).

A shortened statutory period for reply to this final action
is set to expire THREE MONTHS from the mailing date of this
action. In the event a first reply is filed within TWO MONTHS
of the mailing date of this final action and the advisory action
is not mailed until after the end of the THREE-MONTH shortened
statutory period, then the shortened statutory period will
expire on the date the advisory action is mailed, and any
extension fee pursuant to 37 CFR 1.136(a) will be calculated
from the mailing date of the advisory action. In no event,
however, will the statutory period for reply expire later than
SIX MONTHS from the date of this final action.

14. The prior art made of record and not relied upon is
considered pertinent to applicant's disclosure. Dusse (US
6647260) teaches secure mobile communications, Ginter et al (US
6253193) teaches secure transactions and content protection, Kou
(US 6363365) teaches sending information after a request and

after credit is verified, Cooper et al (US 20010051996) teaches

content distribution, Nii (US 20020076051) teaches multimedia

content distribution, Vora et al (US 20030048906) teaches a

transaction system, Braitberg et al (US 6631359) teaches access

control for content, Sprague et al (US 5247575) teaches an

information distribution system, Yoshida et al (US 6075862)

teaches key management in a content distribution system, Cordery

(US 5796841) teaches secure transactions with metering, and Maes

et al (US 6016476) teaches portable content distribution

transaction system.

Any inquiry concerning this communication or earlier

communications from the examiner should be directed to Michael

Pyzocha whose telephone number is (571) 272-3875. The examiner

can normally be reached on 7:00am - 4:30pm first Fridays of the

bi-week off.

If attempts to reach the examiner by telephone are

unsuccessful, the examiner's supervisor, Andrew Caldwell can be

reached on (571) 272-3868. The fax phone number for the

organization where this application or proceeding is assigned is

703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJP

**ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER**